

Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

April 2, 1984

The Honorable Russell Hug
Mayor, City of Elgin
PO Box 128
Elgin, OR 97827

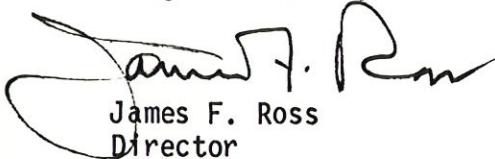
Dear Mayor Hug:

It gives me a great deal of pleasure to confirm that the Land Conservation and Development Commission, on March 15, 1984, officially acknowledged your comprehensive plan and land use regulations as being in compliance with the Statewide Planning Goals. The acknowledgment signifies an historic step for the City of Elgin's land use planning efforts.

State financial assistance may be available to help meet continuing planning costs. Please contact your Field Representative, Jim Kennedy at 963-1742, concerning the availability of these funds.

I would like to commend the local officials, staff, and citizens of your City for their hard work and foresight in the field of land use planning.

Congratulations,



James F. Ross
Director

JFR:TMC:sm
8022B/6B

Enclosure

cc: Union County Court
City Planning Director
Coordinator
Real Estate Division
Jim Kennedy, Field Representative
Doug White, Lead Reviewer
DLCD Library(2)
Jim Knight, Supervisor
Portland Office
Objectors and Commentors

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF	)	COMPLIANCE
THE CITY OF ELGIN'S	)	ACKNOWLEDGMENT
COMPREHENSIVE PLAN AND	)	ORDER 84-ACK-064
LAND USE REGULATIONS	)	

This matter came before the Commission on March 15, 1984, as a request for acknowledgment of compliance pursuant to ORS 197.251 and the Commission Acknowledgment Rule, OAR 660-03-000 to 660-03-030. The Commission, having fully considered the City of Elgin's comprehensive plan and land use regulations, comments and objections of interested parties and the report of the Department of Land Conservation and Development, now enters its:

Findings of Fact and Conclusions

1. The City of Elgin's request for Acknowledgment of Compliance was reviewed by the Commission previously on September 6, 1979, pursuant to ORS 197.251 and the Commission Acknowledgment Rule, OAR 660-03-000 to 660-03-030. For this review, the Commission found the City of Elgin's comprehensive plan and land use regulations did not comply with Statewide Planning Goals and denied the request for acknowledgment (Denial Order of September 18, 1979, (Exhibit A)). The findings previously adopted by the Commission as part of the Denial Order, which explains why the City of Elgin's plan and land use regulations comply with all or part of certain Statewide Planning Goals is readopted by the Order as findings of the Commission.

2. The Commission reviewed the referenced written report of the Director of the Department of Land Conservation and Development with amendments regarding the compliance of the plan and land use regulations with the Statewide Planning Goals.

3. Based on its review, the Commission finds that the City of Elgin's comprehensive plan and land use regulations comply with the Statewide Planning Goals for the reasons set forth in Section IV of the Department's report adopted with amendments by the Commission on March 15, 1984, and made a part of this Order (Exhibit A).

THEREFORE, IT IS HEREBY ORDERED THAT:

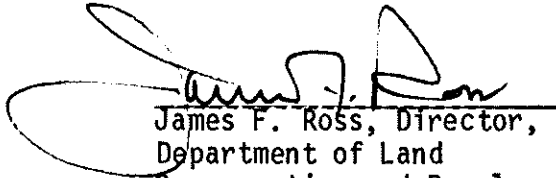
The Land Conservation and Development Commission acknowledges that the comprehensive plan and land use regulations of the City of Elgin are in Compliance with the Statewide Planning Goals.

Severability

If, upon judicial review, this order is reversed or remanded solely with respect to an identifiable geographic area, the remainder of the order shall remain valid and shall be treated as a limited acknowledgment order under ORS 197.251(6). If requested by the affected local government or if otherwise necessary, the Director may issue, without further review by the Commission, an amended acknowledgment order describing the geographic area that remains acknowledged.

DATED THIS 2nd DAY OF APRIL 1984.

FOR THE COMMISSION:


James F. Ross, Director,
Department of Land
Conservation and Development

NOTICE: You are entitled to Judicial Review of the Order. Judicial Review may be obtained by filing a petition for review within 60 days from the service of this final Order. Judicial Review is pursuant to the provisions of ORS 183.482 and 197.650.

JFR:TMC:drw
8097B/5B

LAND CONSERVATION AND DEVELOPMENT COMMISSION
ACKNOWLEDGMENT OF COMPLIANCE

Response to Denial Order Issued September 19, 1979
City of Elgin

DATE RECEIVED:
November 10, 1983

DATE OF COMMISSION ACTION:
March 15[-16], 1984

I. REQUEST

Acknowledgment of Compliance with the Statewide Planning Goals for the comprehensive plan and implementing measures.

II. SUMMARY OF RECOMMENDATIONS

Staff

Recommends the Commission acknowledge the City of Elgin's Comprehensive Plan and land use regulations to be in compliance with Goals 1-14.

Local Coordination Body

No recommendation received.

FIELD REPRESENTATIVE: Jim Kennedy
Phone: 963-1742

LEAD REVIEWER: Doug White
Phone: 378-2328

COORDINATOR: Hanley Jenkins, II
Phone: 963-1014

Date of Report: February 7, 1984
Report Amended by Commission Action March 15,
1984: pp. 16, 18, 19, 21, 30, and 32.

Note: Additions are underlined and deletions are bracketed.

Response

Commercial and industrial land needs are discussed in response to Requirements 1 and 2 above. The plan states that Elgin has planned and zoned 28.61[26.35] acres for commercial uses, with 8.28[8.09] acres presently available for development (Land Use Plan, p. 39). The plan also indicates that 461.48 acres are planned for industrial development, with 141.42 acres available for future industrial development (see table in Response to Goal 14 Requirement).

The Elgin Zoning Ordinance contains two commercial zones (Central Business Zone Article 6.00 and General Commercial Zone Article 7.00) and one industrial zone (Article 8.00). Each zone classification includes the following purpose definition:

Central Business Zone Section 6.01:

"This zone is intended to provide areas for the development of intensive services and retail commercial activities which can be accessed by pedestrian traffic."

General Commercial Zone Section 7.01:

"This zone is intended to provide areas for retail sales and service which normally requires a large space area for the building and parking and which are normally vehicular accessed."

Industrial Zone Section 8.01:

"The Industrial Zone is intended to provide areas where manufacturing, processing, warehousing, and other industrial uses can effectively operate."

Lands Outside City Limits and Inside UGB

Approximately 275 acres outside the city limits and inside the UGB planned industrial is currently zoned Exclusive Farm Use under the County Zoning Ordinance. The County chose to retain the administrative authority and retain the 160 acre minimum lot size for land outside the city limits until such time as the area is annexed and services would be provided by the City.

Conclusion

The City of Elgin complies with Goal 9.

Elgin's Plan contains sufficient economic data which is sufficient to evaluate the City's economic potentials and constraints. The City has provided 141.42 acres of industrial and 8.09 acres of commercial land as sufficient buildable land to meet their economic growth needs.

Land Available for Residential Development: The plan states that a significant amount of land within the City is undeveloped. In addition, two areas (7.51 acres and 11.06 acres in size), beyond the city limits is designated for residential development (Land Use Plan, p. 42).

In order to calculate the number of available residential lots, a detailed survey of committed and vacant land was conducted by members of the City Council (Land Use Plan, p. 43). A hypothetical development grid was developed assuming vacant land would be developed with the most efficient utilization of space and at the maximum densities allowed within the Residential Zone. This analysis identified 622[626] vacant single-family residential lots. However, because 20 percent of developed residential lots are at or near the 5,000 square feet, and assuming a 15 percent continuation in this trend for larger lots in rural communities, 94 vacant lots were subtracted from the total vacant land base and assumed not to be available for residential development (Land Use Plan, p. 43). This leaves a total of 532[533] lots or 61 acres available for residential development.

The 27.9 acres of land zoned Low Density Residential contains 12 acres of committed development and 15 acres of land available for future residential development. Subtracting 3.2 acres for roads and other services would allow about 12 additional houses in the Low Density Residential Zone (Land Use Plan, p. 43).

Land Necessary for Residential Development: The Goal 9 background information presents a population projection of 2,938 people for the year 2000 or an increase of 1,167 people over the next 20 years (Land Use Plan, p. 43). The plan states that the 1980 Census identified a 2.78 people per household. Dividing this into the projected population increase resulted in a need for 419 housing units or 63.7 acres to meet projected needs.

Housing Types: The plan states that 95 percent of Elgin's current housing types are single-family dwellings, and rising housing costs are anticipated to force more families into duplexes and multifamily dwellings (Land Use Plan, p. 44). The plan also states that duplexes are anticipated to increase in popularity from 1.4 percent of the current number of housing units to 20 percent. Multifamily units which currently represent 3.2 percent of housing units will increase to only 6.4 percent in the future (Land Use Plan, p. 43). The following table presents a projection of housing needs by type assuming an increase in population of 1,167 people (Land Use Plan, p. 43):

HOUSING NEEDS BY TYPE

HOUSING Type	% of Population	No. of People		No. of HH Units	Units Acre	Acres Needed
Single- family	73.6	859	2.78	309	6*	51.5
Duplex	20.0	233		84	8**	10.5
Multi- family	6.4	75		26	15***	1.7
TOTAL	100.0	1167		419		63.7

* Assumes 5,000 sq. ft. lots with 60 ft. rights-of-way

** Assumes 7,500 sq. ft. lots with 60 ft. rights-of-way

*** Current average for City of La Grande

The plan states that a difference of 9.3[5.9] acres exist between lands available and land necessary for residential use plus the 12 buildable lots in the Low Density Residential Zone (Land Use Plan, p. 44). [However, subtracting 73.2 acres of available residential land to the 63.7 needed acres shows a difference of 9.5 acres rather than 5.9 acres. The 5.9 is a typographical error and should show 9.5 instead (personal communication, Hanley Jenkins, 12/12/83; see also Goal 14 of this report).]

Conclusion

The City of Elgin satisfies Requirement 1 of Goal 10.

Requirement

2. Develop plan policies which are both consistent with the results of buildable lands inventory and adequate to achieve the Statewide Goal.

Response

The plan adopts the following housing policies and recommendations (Land Use Plan, p. 45):

- "1. Mobile, prefabricated homes, duplexes and multi-family dwellings will be provided for in Elgin.
2. Elgin will allow for development of a variety of housing types and costs.
3. Mobile homes will meet existing building requirements and conform to City, County and State standards.
4. Guidelines will be established to provide developers with the information they need to conform with zoning and subdivision ordinances.

- a. Land use plan provisions for the area.
- b. Surrounding area development and owner viewpoints.
- c. Ability to meet utility needs.
- d. Maintaining the stability of community social and environmental characteristics."

Section 11.04(2) lists the conditions that can be attached to the approval of a conditional use. Conditions that can be attached address such items as lot size, height, access points, street widths, off-street parking, fencing, open space, and reclamation upon discontinuance of the use. In addition, Section 11.04(2) allows the attachment of an unlimited and unspecified number of conditions ("Such conditions may include but are not limited to the following:...").

Conclusion

The City of Elgin satisfies Requirement 3 of Goal 10.

Multifamily dwellings are allowed only as a conditional use under standards which are vague and discretionary which include: approval standards in Section 11.04(1) (unlimited and unspecified approval standards) and the allowance of unlimited and unspecified number of conditions in Section 11.04(2). This does not effect compliance with Goal 10, however, because of the relative little amount of land needed for multifamily housing (1.7 acres or 26 dwelling units). The City's residential zone allow outright duplexes at densities up to 14.52 units/acres, considering a 6,000 square foot minimum lot size, which is very close to the multifamily needed density of 15 units/acres. In addition, the City has an excess amount of land (9.3[9.5] acres) which could accommodate almost six times the amount of needed multifamily housing units. Because of this, the City has adequately provided for needed housing outright within its residential zones.

Requirement

4. Eliminate the requirement that mobile homes be supported by 70 percent of the people within 300 feet of the proposed location.

Response

The City's Residential Zone which regulates the placement of mobile homes has been amended and revised as follows (Section 4.01(2)):

"2. Mobile homes meeting the requirements below:

- a. Must obtain local installation permits.
- b. Unit must be 600 square feet minimum.
- c. Wheels must be removed and unit placed on foundation meeting State code and anchored thereto.

<u>Category</u>	<u>Old Plan</u>	<u>New Plan</u>
Residential	387.8	403.79 ¹
Rural Residential	528	---
Commercial	24.8	26.35
Industrial	401.9	463.38
Public	49.6	55.05 ²
Total	1,392.1	948.57

¹Includes 27.9 acres zoned Low Density Residential.

²Source: Union County Planning Dept., Hanley Jenkins, 12-29-83.

The City's revised plan presents findings to justify the UGB and is structured to address the seven factors of Goal 14. An explanation of these findings are as follows:

1. Accommodate Long-Range Urban Population Growth: The plan states that the City is projected to grow to a population of 2,938 people or increase 1,167 people over the 1980 population (Land Use Plan, p. 59). The following table presents the existing, available and needed acreage of residential, commercial, and industrial uses (Land Use Plan, p. 59):

EXISTING & AVAILABLE LAND USES
(IN ACRES)

LAND USE	EXISTING	AVAILABLE	NEEDED	TOTAL
Low Density Residential	12.00	15.9	--	27.9
Residential	300.63[302.69]	72.8[73.20]	63.7	373.43[375.89]
Commercial	20.33[18.26]	8.28[8.09]	8	28.61[26.35]
Industrial	321.06	142.42	141	463.48
TOTAL UGA ACREAGE				893.62 ¹

¹Not including 55.05 acres of public zoned land.

The 72.80[73.20] acres of available residential land is only 9.3[9.5] acres larger than the 63.7 acres needed residential land[(see Goal 10 of this report regarding typographical errors)]. The plan states that this difference of 9.3[9.5] acres plus the 12 buildable lots in the Low Density Residential Classification, is recognized as insignificant because no large blocks of undeveloped land equal or exceed this size. All residential areas have full public facilities and services demonstrating a commitment to urban development (Land Use Plan, p. 59).

2. Need for Housing, Employment Opportunities, and Livability: The plan states that a land use survey conducted in May 1981 found a five percent housing vacancy rate in Elgin and that this vacancy rate is generally recognized as adequate for housing availability and choice of the free market (Land Use Plan, p. 59). The plan also discusses the increase in housing mix, economic growth with future industrial

Conclusion

The City of Elgin complies with Goal 14.

The City of Elgin has adopted a UGB of approximately 894 acres. The City projects a reasonable population growth to the year 2000. Land allocations are based on need to accommodate this projected growth and the City has adequate land in appropriate designations to satisfy future needs (see discussion under Goal 9 and Goal 10).

The City adequately justifies the size and location of the UGB addressing each of the seven factors of Goal 14. A remaining 9.3[9.5] acres and 12 buildable lots are included within the UGB based on those areas having full level of public facilities to demonstrate commitment.

COMMENTS RECEIVED

The following have submitted comments in the acknowledgment request:

<u>Agency/Party</u>	<u>Position</u>
Public Utility Commission of Oregon	Comment - Goal 11

V. RECOMMENDATION

Staff

Recommends that the Commission acknowledge the City of Elgin's plan and implementing measures to be in compliance with Statewide Planning Goals.

Local Coordination Body

No recommendation received.

DW:llt
6854B/484A